

January 21, 2008

Honorable Linda B. Riegler  
United States Bankruptcy Judge  
300 So. Las Vegas Blvd.  
Las Vegas, NV. 89101

RECEIVED  
AND FILED  
JAN 21 3 50 PM '08  
U.S. BANKRUPTCY COURT  
MARY A. SCHOTT, CLERK

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U.S. BANKRUPTCY COURT  
MARY A. SCHOTT, CLERK

Your Honor:

I am submitting the covering pages of legal papers that were mailed to me by Renee Creswell of Lewis and Roca, LLP Lawyers. They cover the fact that I filed a claim for non payment of a loan to Riviera-Homes for America Holding. The hearing in your court has been scheduled for February 21, 2008.

I was totally surprised that a claim had been filed. Evidently someone at the Investor's LLC, filed the claim, and was done without my knowledge or consent. There is no justification or necessity for filing this claim, because this loan was paid in full on about May 26, 2006, to the Costanza 1987 Decedent's Trust. Had I been contacted before anyone took this action, I would have apprized them of the fact that the loan had been paid in full.

I can only assume that with the multitude of forms we were constantly being asked to submit to Investors LLC, that I inadvertently could have included the Riviera-Homes loan. I regret that I must have made the error, but I do feel I should have been contacted before undertaking the action of filing a claim.

I have notified Ms. Renee Creswell of Lewis and Roca, of the fact that this Riviera-Homes loan has been repaid in full, and that the filing should not have taken place, and requested that they consider dropping the case.

I am now appealing to you, to please consider striking this case from your agenda, for in reality, I am not requesting payment from Riviera-Homes for America Holding, and in my simple evaluation, it would be a waste of the court's time.

If possible, I would appreciate being advised of your decision on the above matter. Thank you for your valuable time in reviewing this situation.

Sincerely,



Sam Costanza  
9809 Canterbury Rose Lane  
Las Vegas, NV. 89134

RECEIVED  
JUDGE RIEGLE

DATE: 1-23-08

P/S. Docket as  
w/d to p/c per  
LBR

S

10725- 01808

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**LEWIS  
AND  
ROCA**  
—LLP—  
LAWYERS

E-Filed on 1/10/08

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Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**SECOND OMNIBUS OBJECTION  
OF USACM TRUST TO PROOFS OF  
CLAIM BASED, IN WHOLE OR IN  
PART, UPON INVESTMENT IN  
THE RIVIERA – HOMES FOR  
AMERICA HOLDING LOAN; AND  
CERTIFICATE OF SERVICE**

Date of Hearing:

Time of Hearing:

The USACM Liquidating Trust (the "USACM Trust") moves this Court, pursuant to § 502 of title 11 of the United States Bankruptcy Code (the "Bankruptcy Code") and Rule 3007 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), for an order disallowing the Proofs of Claim filed by individual investors ("Direct Lenders") against USA Commercial Mortgage Company ("USACM") to the extent such claims are based upon an investment in the Riviera – Homes for America Holding loan (the "HFA –

*Rec'd 1/14/08*

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John Hinderaker AZ State Bar No. 018024  
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USA SECURITIES, LLC,

Debtors.

**Affects:**

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- ☒ USA Commercial Mortgage Company
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Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**DECLARATION OF EDWARD M.  
BURR IN SUPPORT OF OMNIBUS  
OBJECTIONS TO PROOFS OF  
CLAIM BASED UPON  
INVESTMENT IN THE RIVIERA -  
HOMES FOR AMERICA HOLDING**

Date of Hearing: February 21, 2008  
Time of Hearing: 9:30 a.m.

I, Edward M. Burr, hereby declare under penalty of perjury that:

1. I am a principal with Sierra Consulting Group, LLC ("Sierra"). Sierra is one of the leading providers of restructuring advisory and litigation support services in the Southwest. Sierra is a leading national consulting firm comprised of experienced CPAs and other financial professionals.

*Royd*  
*1/14/08*

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**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
SECOND OMNIBUS OBJECTION OF  
USACM TRUST TO PROOFS OF  
CLAIM BASED UPON  
INVESTMENT IN THE RIVIERA –  
HOMES FOR AMERICA HOLDING  
LOAN**

Date of Hearing: February 21, 2008  
Time of Hearing: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW YOUR  
CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN THE  
RIVIERA – HOMES FOR AMERICA HOLDING LOAN BECAUSE THE USACM  
TRUST CONTENDS THAT YOU HAVE BEEN PAID IN FULL FOR YOUR  
INVESTMENT IN THAT LOAN. THIS OBJECTION WILL NOT IMPACT**

*Recd. 1/14/08*

1 If an objection to a claim is opposed, a written response must be filed and  
2 served on the objecting party at least 5 business days before the scheduled  
3 hearing. A response is deemed sufficient if it states that written  
4 documentation in support of the proof of claim has already been provided to  
the objecting party and that the documentation will be provided at any  
evidentiary hearing or trial on the matter.

5 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
6 pleading with the Court. You *must* also serve your written response on the person who  
7 sent you this notice.

8 If you do not file a written response with the Court, or if you do not serve your  
9 written response on the person who sent you this notice, then:

- 10 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 11 • The Court may *rule against you* and sustain the objection without formally
- 12 calling the matter at the hearing.

13 Dated: January 10, 2008

14 LEWIS AND ROCA LLP

15 By /s/ Rob Charles (#6593)

Susan M. Freeman, AZ 4199 (*pro hac vice*)

Rob Charles, NV 6593

John C. Hinderaker, AZ 18024 (*pro hac vice*)

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

Telephone: (702) 949-8200

Facsimile: (702) 949-8398

E-mail: rcharles@lrlaw.com

Attorneys for the USACM Liquidating Trust

21 Copy of the foregoing mailed by first class  
22 Postage prepaid U.S. Mail on  
January 10, 2008 to:

23 Parties listed on Exhibit A attached.

24 s/Renee L. Creswell

Renee L. Creswell

E-Filed on 1/10/08

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Jointly Administered Under Case No.  
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**CERTIFICATE OF SERVICE**

Date of Hearing: February 21, 2008  
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A. I, Renee Creswell, an employee of Lewis and Roca LLP, attorneys for the USACM Liquidating Trust, served the following documents regarding the Proof of Claim identified in Exhibit A, attached, to the addressee listed in Exhibit A, attached:

*Rec'd  
1/14/08*